

August 8, 2002

Exemption No. 7861
Regulatory Docket No. FAA-2002-12253

Mr. Jay Ellzey
Managing Director, Flight Standards and Training
Continental Airlines, Inc.
17441 John F. Kennedy Boulevard
Houston, TX 77032

Dear Mr. Ellzey:

This is in response to your April 22, 2002, letter petitioning the Federal Aviation Administration (FAA) on behalf of Continental Airlines, Inc. (Continental), for an exemption from § 121.440(a), and (b)(3) of Title 14, Code of Federal Regulations (14 CFR). That exemption, if granted, would permit Continental to conduct an alternative line check program. The FAA has determined Continental additionally requires relief from SFAR 58, paragraph 6(b)(3)(ii)(A) to permit Continental to meet line check requirements using an alternative line check program.

In your petition, you state that Continental endorses the current industry trend toward Crew Resource Management as an effective method of improving aviation safety. You mention that Continental has implemented the approved Continuing Qualification Program curricula for all fleets of aircraft under the Advanced Qualification Program (AQP). The need for an exemption from § 121.440(a) and SFAR 58, paragraph 6(b)(3)(ii)(A) exists to permit Continental to meet the line check requirements of those regulations using an alternative line check program.

You state that Continental believes that the proposed exemption will provide a level of safety much greater than that provided by the rule. Further, you state that the public interest would continue to be served through better qualified crewmembers and more efficient use of check airmen resources, thereby controlling costs for the traveling and shipping public.

AFS-02-398-E

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of and amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Continental.

In an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS), located at <http://dms.dot.gov>. This new docket system enables interested persons to submit, view, and download requests to the DMS in accordance with 14 CFR § 11.63. Future requests should be submitted through the DMS.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Continental is granted an exemption from § 121.440(a) and (b)(3), and SFAR 58, paragraph 6(b)(3)(ii)(A) to meet line check requirements using an alternative line check program. This exemption terminates: (1) July 31, 2004, unless superseded or rescinded, or (2) the date the FAA notifies Continental that it has failed to comply with any of the following conditions and limitations:

1. Continental must implement and maintain a training program for instructors and evaluators operating under this exemption. For initial instructor and evaluator training, the FAA will permit Continental to meet the requirements of this condition by documenting—
 - a. The extent to which its current instructor and evaluator training program already addresses the provisions of this exemption; and
 - b. How its instructors and evaluators will be trained on differences, where differences occur.
2. Continental must maintain a master AQP transition schedule for FAA approval and submit to the FAA AQP manager (AFS-230) quarterly written progress, in a format approved by the Administrator. A copy of the approved master AQP transition schedule must be sent to Continental's principal operations inspector (POI). The FAA will monitor the progress of Continental's transition to AQP in accordance with Continental's approval schedule. Continental must maintain reasonable progress toward AQP transition.
3. Continental must give a line check to at least 50 percent of its PICs each calendar year and ensure no PIC has flown for more than 24 months (plus 1 month) between line checks. The seconds in command and the flight engineers who comprise the flightcrew of the PICs to whom line checks are given must also be given line checks at this time.

4. Continental must give line checks that incorporate a technical and a Crew Resource Management debriefing facilitated by a line check airman.
5. Continental must ensure that, with respect to its PICs who are given line checks under this exemption, such line checks are given on all its aircraft fleets and types of operations, and in all geographic areas of operation.
6. Continental must establish and maintain a special tracking program for the purpose of more frequent line check observations. The special tracking program must include each PIC who has performed unsatisfactorily on a proficiency check or a line check, and each new PIC who has completed his or her operating experience line check.
7. Continental must ensure PICs included in the special tracking program receive a line check within 12 months (plus 1 month) of being placed in the special tracking program and within every 12 months until that pilot is removed from the special tracking program.
8. Continental may remove a PIC from the special tracking program after he or she successfully completes the special tracking line check.
9. Continental must ensure that in any calendar year, all line checks given as a result of the special tracking program equal at least 50 percent of the total number of Continental PICs, when added to all other line checks.
10. Before implementing its alternative line check program, Continental must submit for approval, through its POI to the FAA AQP manager (AFS-230), a plan that—
 - a. Describes its special tracking program.
 - b. Administers PIC line checks.
 - c. Tracks the operation of the alternative line check program.
 - d. Acquires data on line check performance.
 - e. Documents its compliance with this condition.
11. Despite any other conditions of this exemption, Continental must ensure each person serving as a required flight crewmember on more than one type of aircraft complies with the requirements of §§ 121.433(c)(1)(i) and 121.440(a).

Sincerely,

/s/

Louis C. Cusimano, Acting Director
Flight Standards Service